

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
NATIONAL INFRASTRUCTURE ADVISORY COUNCIL

1. Committee's Official Designation (Title):

National Infrastructure Advisory Council (NIAC)

2. Authority:

As provided for in Section 10 of Executive Order 13231 of October 16, 2001, and as amended by Executive Order 13286 of February 28, 2003, this charter establishes the National Infrastructure Advisory Council (NIAC). This committee is established in accordance with and shall operate under the provisions of the *Federal Advisory Committee Act* (FACA), Title 5, United States Code Annotated, Appendix 2).

3. Objectives and Scope of Activities:

The NIAC shall advise the President on issues related to the security and resiliency of the Nation's critical infrastructures in key sectors of the economy as identified by the President. The NIAC shall draw on the expertise of its members to provide advice and make recommendations on the following:

- a. enhancing cooperation between the public and private sectors in protecting information systems, supporting critical infrastructures in key economic sectors, and providing reports on the issue to the President, as appropriate;
- b. enhancing cooperation between the public and private sectors in protecting critical infrastructure assets and increasing resiliency in key economic sectors and providing reports on these issues to the President, as appropriate; and
- c. proposing and developing ways to encourage private industry to perform periodic risk assessments of its critical information and telecommunications systems.

The NIAC will defer matters pertaining to National Security and Emergency Preparedness (NS/EP) Communications to the President's National Security Telecommunications Advisory Committee (NSTAC). The NIAC will also coordinate all NS/EP related interdependency issues with the NSTAC.

The NIAC may consult with any interested party, including any private group or individual, government department, agency, interagency committee, or other government entity, as the NIAC deems necessary or appropriate. The NIAC may hold hearings, conduct inquiries, and,

with the concurrence of the Designated Federal Officer, establish an executive committee and other subcommittees, as he or she considers necessary or appropriate, subject to the provisions of FACA.

The NIAC may provide advice and recommendations to Federal Government lead agencies that have critical infrastructure responsibilities and to industry sector coordinating mechanisms.

4. Description of Duties:

The duties of the NIAC are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The NIAC shall report to the President through the Secretary of Homeland Security who shall ensure appropriate coordination with the Assistant to the President for Homeland Security, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of Executive Order 13286.

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security (DHS) shall be responsible for providing financial and administrative support to the NIAC. Within DHS, the Partnership and Outreach Division (POD), National Protection and Programs Directorate (NPPD), will provide this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the NIAC is \$1,071,800, which includes the costs of public meetings and other administrative support for its operations. Approximately 1.0 staff years are required annually to support the Committee.

8. Designated Federal Officer:

The Director of the Partnerships Programs and Information Sharing (PPIS) Office within the Partnership and Outreach Division of NPPD shall be the Designated Federal Officer (DFO). The DFO or the Alternate DFO shall approve or call NIAC meetings, approve meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings.

9. Estimated Number and Frequency of Meetings:

The NIAC will meet approximately four times annually, at the call of the DFO and the NIAC Chair. Additional meetings may be held with the approval of the DFO. Members shall not be compensated for their work on the NIAC, but shall, upon request and subject to available appropriations, be allowed travel expenses, including *per diem* in lieu of subsistence as authorized by law for persons serving intermittently in the government service. Committee

meetings shall be open to the public unless a determination is made by the appropriate DHS official in accordance with DHS policy and directives that the meeting should be closed in accordance with subsection (c) of section 552b of title 5, U.S. Code. Attendance at closed meetings shall be limited to members, appropriate government officials, and NIAC support staff who hold necessary administrative and security clearances.

10. Duration:

As authorized by section 1.(b) of Executive Order 13511 dated September 29, 2009, the NIAC is authorized to continue until September 30, 2011.

11. Termination:

This charter is in effect until September 30, 2011, unless sooner terminated.

12. Member Composition:

The NIAC shall be composed of not more than 30 members. Members shall be appointed by the President and shall serve at the President's discretion. The members of the NIAC shall be selected from the private sector, generally chief executive officers or their equivalent, including industry and academia, as well as public sector employees representing state and local governments. The members of the NIAC shall have expertise relevant to the functions of the NIAC with responsibilities for the security and resiliency of critical infrastructure supporting key sectors of the economy, including agriculture, banking and finance, chemical, commercial facilities, critical manufacturing, dams, defense industrial base, government facilities, nuclear, postal and shipping, public health, transportation, energy, emergency services, and water. NIAC members shall not be full-time employees of the executive branch of the Federal Government, but shall serve as Special Government Employees (SGE) as defined in section 202(a) of Title 18, U.S. Code. Inasmuch as information classified for national security reasons will be provided to the NIAC, all members shall be required to have appropriate security clearances.

13. Officers:

The President shall designate a Chair and Vice-Chair from among the members of the NIAC. The NIAC Chair shall preside at all NIAC meetings. Upon the request of the NIAC Chair, and to the extent permitted by law, the heads of executive branch departments and agencies shall provide the NIAC with information and advice relating to its functions. They may also request advice from the Council on relevant critical infrastructure protection and resiliency issues. The NIAC Chair may establish such other procedures as may promote the purposes and objectives of the NIAC, consistent with this Charter, Executive Order 13286, the *Federal Advisory Committee Act* and any other applicable law. The NIAC chair, or his or her designee among the NIAC members, shall serve as an ex-officio member of the Homeland Security Advisory Council (HSAC).

In addition to the Homeland Security Secretary, or his or her delegate, the NIAC may invite other senior Federal Executive representatives to attend meetings of the NIAC as the Chair and DFO deem appropriate.

14. Subcommittees:

The NIAC may establish subcommittees for any purpose consistent with this charter subject to the approval of the DFO. Such subcommittees may not work independently of the chartered committee and must report their recommendations and advice to the NIAC for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the NIAC and may not report directly to the Federal Government or any other entity.

15. Recordkeeping:

The records of the NIAC, formally and informally established subcommittees or other subgroups of the committee, shall be handled in accordance with *The Presidential Records Act* (PRA) of 1978 (Title 44, United States Code, section 2201-2207), or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the *Freedom of Information Act* (Title 5, United States Code, section 552).

16. Filing Date:

October 13, 2009
Department Approval Date

October 6, 2009
CMS Consultation Date

October 13, 2009
Date Filed with Congress